

U.S. Application No. 10/070,239  
Reply to Office Action dated November 6, 2006

PATENT  
450101-03265

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-18 are pending. Claims 1, 7, 13, 15, and 17-18 are independent. Claims 1-2, 7-8, and 13-18 are hereby amended. Support for this amendment is provided throughout the Specification as originally filed, and specifically at pages 57-61 and Figure 53. No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

#### **II. REJECTIONS UNDER NON-STATUTORY DOUBLE PATENTING**

Claims 1-2, 7-8, and 13-18 were rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-2, 4-5, and 13-18 of U.S. Patent No. 6,954,319 to Yanagita et al. (hereinafter, merely "Yanagita") in view of an article authored by J.H. Wilkinson entitled "Linking essence and metadata in a system environment" (Sony BPE, UK IEE NBSS, July 6, 1999; hereinafter, merely "Wilkinson").

Claims 3-6 and 9-12 were rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as allegedly unpatentable over claims 1-2, 4-5, and

U.S. Application No. 10/070,239  
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PATENT  
450101-03265

13-18 of Yanagita in view of Wilkinson and further in view of U.S. Published Application  
2002/0035664 to Yates et al. (hereinafter, merely "Yates").

Applicants submit that the claims as amended, are patentably distinct from the  
references, thereby obviating the double-patenting issue.

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over  
Yates in view of U.S. Patent No. 6,100,788 to Frary (hereinafter, merely "Frary") and further in  
view of Wilkinson. Applicants respectfully traverse this rejection and request reconsideration.

As understood by Applicants, Yates relates to a virtual tape storage device that  
can store an image of a virtual tape volume either as a stacked image or as a native image that is  
essentially indistinguishable from the image that would have been written had the host written  
the volume directly to the tape.

As understood by Applicants, Frary relates to a transponder device for tracking  
objects, such as tape cartridges, utilized in different types of environments includes a first  
antenna operating at a first range of frequencies and a second antenna operating at a second  
range of frequencies, different from the first range of frequencies. A reader/writer mechanism  
associated with each of the environments generates a first communication signal at the first range  
of frequencies and a second communication signal at the second range of frequencies. A control  
logic having a memory is coupled to the first and second antennas for processing the first and  
second communication signals and automatically generating a first or second response signal for  
receipt by the reader/writer mechanism via the first and second antennas, respectively.

U.S. Application No. 10/070,239  
Reply to Office Action dated November 6, 2006

PATENT  
450101-03265

As understood by Applicants, Wilkinson relates to linking essence and metadata in a system environment utilizing a Unique Material Identifier (UMID).

Claim 1 recites, *inter alia*:

**"... wherein data is prevented from being written over an existing record and data is prevented from being erroneously erased."** (Emphasis added)

Applicants respectfully submit that nothing has been found in Yates, Frary, or Wilkinson that would teach or suggest the above-identified feature of claim 1. Specifically, neither Yates, Frary, nor Wilkinson, taken alone or in combination, teach or suggest that data is prevented from being written over an existing record and data is prevented from being erroneously erased, as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Claims 7, 13, 15, and 17-18 are similar, or somewhat similar, in scope and are therefore patentable for similar, or somewhat similar, reasons.

#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

U.S. Application No. 10/070,239  
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450101-03265

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CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

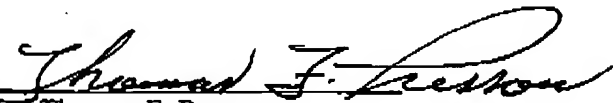
Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By



Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800